

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KIMBERLY FREEMAN,**

**Plaintiff,**

**vs.**

**Case No.: 2:19-cv-5636  
JUDGE GEORGE C. SMITH  
Magistrate Judge Vascura**

**BIRD RIDES, INC.,**

**Defendant.**

**ORDER**

On January 3, 2020, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff Kimberly Freeman's Motion for Leave to Proceed *In Forma Pauperis* be granted and that Plaintiffs' Complaint be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) without prejudice to filing the state-law claims in state court. (*See Order and Report and Recommendation*, Doc. 4). The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the *Order and Report and Recommendation*. (Doc. 7). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff, Kimberly Freeman, appears to be alleging in her Complaint that she entered into a contract with Defendant, Bird Rides, Inc., whereby she agreed to collect, charge, and release their electric scooters. Plaintiff further alleges that the storage of scooters in her garage transformed her into an employee and she is seeking hourly and overtime wages for that time.

The Court agrees with the Magistrate Judge's findings that Plaintiff's allegations are insufficient to support diversity jurisdiction because she has not plausibly alleged that the amount in controversy exceeds \$75,000, a requirement to satisfy diversity jurisdiction under §1332(a).

Plaintiff in her objections continues to argue breach of contract and involuntary servitude, however, she has failed to provide any argument as to how her pleadings establish an amount in controversy that exceeds \$75,000. Accordingly, the Court finds Plaintiff's objections are without merit and hereby **OVERRULED**. Therefore, the *Order and Report and Recommendation*, Document 4, is hereby **ADOPTED** and **AFFIRMED**.

The Clerk shall remove Documents 1, 4, 7, and 8 from the Court's pending motions list and close this case. This case is dismissed without prejudice to filing the state-law claims in state court.

**IT IS SO ORDERED.**

/s/ George C. Smith  
**GEORGE C. SMITH, JUDGE**  
**UNITED STATES DISTRICT COURT**